

**Schedule.**

The failure of the applicant to file a schedule does not rescind the appointment of the trustee, but does debar the applicant from a discharge. *Teackle v. Crosby*, 14 Md. 20.

This section, in connection with sections 2 and 17, makes it evident that all the insolvent's property, whether mentioned in the schedule or not, save that excepted in this section, vests in the trustee. *Zeigler v. King*, 9 Md. 333.

**Generally.**

Powers of the states to adopt insolvent laws; limitations thereon. *Brown v. Smart*, 69 Md. 327; *Brown v. Smart*, 145 U. S. 454. And see *Boyle v. Zacharie*, 6 Pet. 635.

If a case is within the jurisdiction of the insolvent court, the latter's judgment cannot be impeached collaterally in the absence of fraud. The jurisdiction of the insolvent court does not depend upon the petitioner being actually insolvent. *State v. Culler*, 18 Md. 432. And see *Weaver v. Leiman*, 52 Md. 714.

The constitutional right of removal has no application to an insolvent proceeding or issues framed in pursuance thereof. *Bel Air Social, etc., Club v. State*, 74 Md. 300; *Trayhern v. Hamill*, 53 Md. 90; *Michael v. Schroeder*, 4 H. & J. 227.

If the facts tend to show that the petitioner has not complied with the requirements of this section, it is the duty of the court to have pertinent issues framed. *Jaeger v. Requardt*, 25 Md. 241.

The insolvent system was not abolished by the clause in the state constitution doing away with imprisonment for debt. *Trail v. Snouffer*, 6 Md. 319.

Prior to the adoption of section 28 the insolvent law did not contemplate a proceeding by or against a co-partnership or joint debtors, as such. *Cator v. Martin*, 57 Md. 401. See also, *Pinckney v. Lanahan*, 62 Md. 454.

Prior to section 35, married women were not within the contemplation of this article. *Relief Bldg. Assn. v. Schmidt*, 55 Md. 97.

For cases apparently now inapplicable to this section because of changes in the law, see *Kelso v. Stigar*, 75 Md. 396; *State v. Reaney*, 13 Md. 230; *Carter v. Dennison*, 7 Gill, 157; *Chaplin v. Shoot*, 3 H. & McH. 350.

As to the insolvency of agents and factors, see art. 2, sections 11 and 14.

As to suspension of the statute of limitations pending the dismissal of a petition in insolvency, see art. 57, sec. 9.

1904, art. 47, sec. 2. 1888, art. 47, sec. 2. 1860, art. 48, sec. 2. 1854, ch. 193, sec. 2. 1880, ch. 172.

2. The court, or one of the judges thereof, shall then appoint a preliminary trustee, who shall give bond to the State, with surety or sureties to be approved by the judges or clerk of said court in such penalty as the court, or one of the judges thereof, may prescribe, for the faithful discharge of his trust, and the insolvent shall immediately convey to such trustee all his property and estate of every description, and upon the approval of such bond, whether such conveyance has been made or not, all the property of every description, rights and claims of the insolvent as well such as are enumerated and described in his schedule, as also all other property, rights and claims not so enumerated and described in his schedule, shall vest in the said trustee, with the exceptions stated in the foregoing section; and it shall be the duty of the said preliminary trustee immediately to cause notice to be transmitted by mail to each of the creditors mentioned in the schedule, addressed to them at their respective places of abode or of business, so far as mentioned in the schedule or known to him, giving notice to such creditors of the pendency of proceedings in insolvency in relation to the estate of the insolvent and requiring them to appear at a place and